

02-06-04

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Deposited: February 4, 2004

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By: Danielle Johnson / Danielle Johnson

Date: 02/04/04

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Customer No. 026418

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. GK-BUE-103 / 500647.20004

Applicant(s): Camille BORER; Martin MUELLER and Frank GLOECKNER

Serial No.: 10/049,549

Group: 1711

Filed: May 17, 2002

Examiner: T. Boykin

For: PROCEDURE AND DEVICES FOR MANUFACTURING CRYSTALLIZABLE PLASTIC MATERIAL

Mail Stop PETITIONS
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE under 37 CFR 182

Sir:

In response to the Notice of Abandonment mailed December 5, 2003 (copy enclosed), it is noted that the applicant(s) responded to the Action Office Action of March 12, 2003. Unfortunately the amendment, three month extension of time and returned postcard had an incorrect serial number. As can be seen by the enclosed copies.

Attached herewith are revised copies of the Petition for Three-Month Extension and an Amendment both dated September 12, 2003 with properly executed Certificate of Mailing under 37 CFR 1.10.

Applicant respectfully request that the holding of abandonment be withdrawn.

Enclosed is a check in the amount of \$130.00 the required petition fee. The Commissioner is hereby authorized to charge any fee related to this submission, to *Deposit Account No. 50-1529*.

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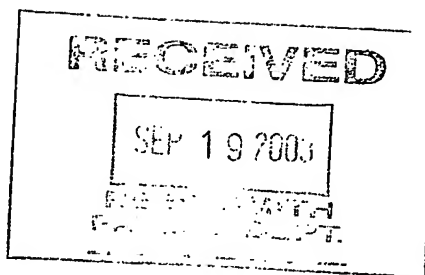
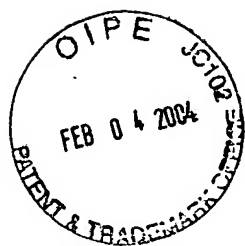
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JEG:ram:dej
2/4/04

Tel. No. (212) 521-5400

Respectfully submitted,

Jules E. Goldberg
Jules E. Goldberg - Reg. No. 24,408
Reed Smith LLP
599 Lexington Avenue
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EXPRESS MAIL EV 304 050 425 US / September 12, 2003

GK-BUE-103/500647.20004

BORER, ET AL.

10/048,549

May 17, 2002



This is to acknowledge receipt of the following:
Check # 7397 \$930.00 (3 month extension)
Petition for 3 month extension
Response to Office Action



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-------------------------|------------------|
| 10/049,549 | 05/17/2002 | Camille Borer | GK-BUE-103/500647.20004 | 7567 |

26418 7590 12/05/2003

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650



| |
|----------|
| EXAMINER |
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BOYKIN, TERRESSA M

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1711

DATE MAILED: 12/05/2003

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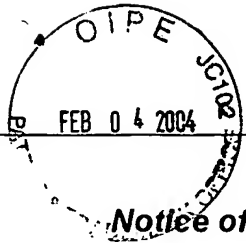
FEB 1 1 2004

OFFICE OF PETITIONS

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKET

FILED
DUE Jan. 5, 2004
Petition to Reexamine or Withdrawal
Feb. 5, 2004 Withdrawal Abandonment Deadline



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clo 9

FEB 11 2004

| | | |
|--------------------|--------------|--|
| Application No. | Applicant(s) | |
| 10/049,549 | BORER ET AL. | |
| Examiner | Art Unit | |
| Terressa M. Boykin | 1711 | |

Notice of Abandonment OF PETITIONS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 March 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

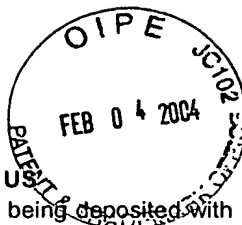
Terressa M. Boykin
Primary Examiner
Art Unit: 1711

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXPRESS MAILING CERTIFICATE

EXPRESS MAIL No.: EV 304 050 425 US

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450



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Deposited: September 12, 2003

OFFICE OF PETITIONS

Danielle Johnson
Danielle Johnson

In the event that this paper is late filed and a necessary Petition for an Extension of Time is not concurrently filed herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this paper, to Deposit Account No. 50-1529.

GK-BUE-103/500647.20004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: GK-BUE-103 / 500647.20004
Applicant(s): Camille BORER; Martin MUELLER and Frank GLOECKNER
Serial No.: 10/048,549 10049549 Group: 1711
Filed: May 17, 2002 Examiner: Terressa M. Boykin
For: PROCEDURE AND DEVICES FOR MANUFACTURING CRYSTALLIZABLE PLASTIC MATERIAL

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed March 12, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Abstract are reflected on page 6 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

9. (currently amended) A process for manufacturing crystallizable plastic material comprising:

- (a) melting amorphous plastic material;
- (b) pelletizing the plastic material;
- (c) crystallizing the plastic material; and
- (d) post-condensing the plastic material;

wherein the plastic material is not subjected to heating after the melting step and prior to the crystallization step and the plastic material is subjected to sieving after the crystallization step.

10. (previously presented) The process according to Claim 9, wherein the plastic material is a polyester.

11. (previously presented) The process according to Claim 10, wherein the polyester is polyethylene terephthalate.

12. (previously presented) The process according to Claim 9, wherein the crystallization step takes place at a temperature of 140 °C to 180 °C.

13. (previously presented) A device for manufacturing crystallizable plastic material for executing a process according to Claim 9, the

device comprising a pelletizer, a fluidized bed (4) and a shaft reactor (7), wherein a sieve (5) is placed downstream from the fluidized bed (4).

14. (previously presented) The device according to Claim 13, wherein the plastic material is a polyester.

15. (previously presented) The device according to Claim 14, wherein the polyester is polyethylene terephthalate.

16. (currently amended) A process for manufacturing crystallizable plastic material comprising:

- (a) melting amorphous plastic material;
- (b) crystallizing the plastic material;
- (c) pelletizing the plastic material; and
- (d) post-condensing the plastic material;

wherein the plastic material is not warmed again after the melting step and prior to the crystallization step and the plastic material is subjected to sieving after the pelletization step at roughly the same temperature as during the crystallization step and the pelletization step.

17. (previously presented) The process according to Claim 16, wherein the temperature during the crystallization step, the pelletization step and the sieving step is between 100 °C and 200 °C.

18. (previously presented) The process according to Claim 16, wherein the temperature during the crystallization step, the pelletization step and the sieving step is between 120 °C and 160 °C.

19. (previously presented) The process according to Claim 16, wherein retention time during the crystallization step is approximately 1 to 40 seconds.

20. (previously presented) The process according to Claim 16, wherein retention time during the crystallization step is approximately 2 to 20 seconds.

21. (previously presented) The process according to Claim 16, wherein the sieving step is followed by a second crystallization step.

22. (previously presented) The process according to Claim 16, wherein the plastic material is a polyester.

23. (previously presented) The process according to Claim 22, wherein the polyester is polyethylene terephthalate.

24. (previously presented) A device for manufacturing crystallizable plastic material, for executing a process according to Claim 16, comprising a first crystallizer and a downstream cutter (2), wherein a sieve (5) is placed downstream from the cutter (2).

25. (previously presented) The device according to Claim 24, wherein a second crystallizer is placed downstream from the sieve (5).

26. (previously presented) The device according to Claim 24, wherein the plastic material is a polyester.

27. (previously presented) The device according to Claim 26, wherein the polyester is polyethylene terephthalate.

Add the abstract as follows:

Abstract

A method for manufacturing a crystallizable plastic material is disclosed. The process includes the step of melting an amorphous plastic material, pelletizing the material, crystallizing it and then post condensing the plastic material with the proviso that the plastic material is not subjected to heating after the melting step but prior to the crystallization step and then subjecting the plastic material to sieving after the crystallization step.

In addition, the inventors have found that with the preferred crystallization temperatures of 140° to 180° C, there is a rapid crystallite growth with formation of new crystallites being relatively slow. As a result, there are fewer crystallites but a larger average crystallite size resulting in increased reactivity of the subsequent solid-state polymerization process.

The art of record contains no suggestion of such a result. Accordingly, this rejection is untenable and should be withdrawn.

In view of the foregoing it is submitted that this application is in condition for allowance and favorable reconsideration and prompt Notice of Allowance are earnestly solicited.

Respectfully submitted,

REED SMITH, LLP

September 12, 2003

By: 

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